



**DECLARATION AND POWER OF ATTORNEY FOR
UTILITY PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name;

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a utility patent is sought on the invention entitled:

**DEVICES AND METHODS FOR FACILITATING CONTROLLED
BONE GROWTH OR REPAIR**

the specification of which

(check one)

☐ is attached hereto;

☒ was filed on March 30, 2004
Application Serial No. 10/812,837
and was amended on May 28, 2004
(if applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

None

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

| | | |
|---|--|------------------------------|
| <u>PCT/US02/23262</u> (Application Serial No.) | <u>23 July 2002</u> (Filing Date) | <u>Pending</u> (Status) |
| <u>09/737,074</u> (Application Serial No.) | <u>14 December 2000</u> (Filing Date) | <u>Abandoned</u> (Status) |

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

R. Alan Weeks, Registration No. 36,050 and/or
Dennis D. Brown, Registration No. 33,559 and/or
Terry L. Watt, Registration No. 42,214 and/or
Scott R. Zingerman, Registration No. 35,422 and/or
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Randall K. McCarthy, Registration No. 39,297 and/or
Bill D. McCarthy, Registration No. 26,772 and/or
Daniel P. Dooley, Registration No. 46,369
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SEND CORRESPONDENCE TO:

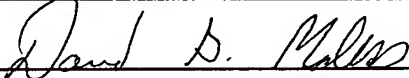
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DIRECT PHONE CALLS TO:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Full Name of Inventor: David G. Malone

Inventor's Signature:  6-1-04
(Date)

Country of Citizenship: United States

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